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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,279

03/18/2004

M. David Butts

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Rutan & Tucker, LLP.

611 ANTON BLVD

SUITE 1400

COSTA MESA, CA 92626

EXAMINER

BOUCHELLE, LAURA A

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

10/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,279	<b>Applicant(s)</b> BUTTS ET AL.	
	<b>Examiner</b> LAURA A. BOUCHELLE	<b>Art Unit</b> 3763	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 26-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-13 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 9, 14-16, 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

***Claim Objections***

1. Claim 9 is objected to because of the following informalities: Claim 9 requires the cannula to comprise a beveled edge. Claim 1 from which it depends requires the cannula to have a blunt end. This is a direct contradiction. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8, 10-13, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cosentino et al (US 4123091). Cosentino discloses a tube connector comprising a body 14 having a cannula 12 with a blunt distal end for insertion into a catheter 28, and a tail 15 for insertion into a tube 26, a securement device 11 comprising mating portions 18 to secure the catheter to the body by locking together directly around the catheter. The securement device is attached to the body by a living hinge as the arm portions 16 pivot outward and inward to accommodate the catheter. See Figs. 3, 4.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cosentino.

Claim 5 calls for the body to comprise a ribbed region. It is well known in the art to include a ribbed portion on a component that will be handled to improve the user's grip on the portion.

This is especially useful in medical devices which tend to be small and delicate and the user is often wearing gloves and working quickly. Therefore, at the time the invention was made it would have been a matter of obvious design choice to include a ribbed portion of the body portion of Cosentino so that the device would be easier to handle by the user.

5. Claim 7 calls for the tail to have a barbed region. Cosentino teaches that the cannula has a barbed portion to securely grip the catheter. It would have been obvious to include a barbed portion of the tail as well so that the tail could securely be mated with the tube. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Cosentino to include barbs on the tail as well as the cannula to ensure that the components are securely mated.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cosentino in view of Godeau et al (US 6155610). Claim 6 differs from Cosentino in calling for the cannula to be formed of metal. Godeau teaches a connector wherein the components may be formed of a suitable metal because metal is durable and sterilizable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Cosentino to include a cannula comprised of metal because Godeau teaches that it is known to form portions of a connector device of metal because metal is durable, easily machined, and sterilizable.

*Allowable Subject Matter*

7. Claims 14-16, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 21-25 are allowed.

*Response to Arguments*

9. Applicant's arguments, see pages 12-14, filed 2/20/08, with respect to claim 21 have been fully considered and are persuasive. The rejection of claim 21 has been withdrawn.
10. Applicant's arguments, see pages 10-12, with respect to the rejection(s) of claim(s) 1 under Bellotti have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cosentino as above.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA A. BOUCHELLE whose telephone number is (571)272-2125. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 517-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D Lucchesi/  
Supervisory Patent Examiner, Art Unit 3763

Laura A Bouchelle  
Examiner  
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/L. A. B./  
Examiner, Art Unit 3763